

REGULATION 2.02 Air Pollution Regulation Requirements and Exemptions

Louisville Metro Air Pollution Control District Jefferson County, Kentucky

Pursuant To: KRS Chapter 77 Air Pollution Control

Relates To: Regulations 1.02, 1.06, 2.03, 2.04, 2.05, 2.16, 2.17

Necessity and Function: KRS 77.180 provides that the Air Pollution Control Board may make and enforce all orders, rules, and regulations necessary or proper to accomplish the purposes of KRS Chapter 77. This regulation establishes requirements for exempt stationary sources, temporary exemptions, and registered stationary sources.

SECTION 1 Applicability

- 1.1 This regulation applies to exempt stationary sources, temporary exemptions, and registered stationary sources.
- 1.2 Permits authorizing construction or operation under Regulation 2.03 are not required for stationary sources that comply with this regulation.
- 1.3 A list of trivial activities that do not require permits under Regulation 2.03 and a list of insignificant activities approved by the District are available on the District's website, louisvilleky.gov/apcd, or by request to the District's office.
- 1.4 Determinations made under this regulation are valid until changes are made to the process operation equipment or the air pollution control equipment and there is an increase of any air pollutant or the emission of a new air pollutant above the thresholds listed in sections 2 and 4. If such changes are proposed, the owner or operator shall apply to the District as appropriate.
- 1.5 The sum of the potential emissions from all insignificant activities, when added with the source's other potential emissions does not exceed a major source threshold.

SECTION 2 Exempt Stationary Sources

- 2.1 The following stationary sources are exempt from the requirement to obtain a permit to construct or operate:
 - 2.1.1 Stationary sources that are not subject to an applicable requirement in 40 CFR Parts 60, 61, or 63 and have an uncontrolled potential to emit less than:
 - 2.1.1.1 5 tons per year of a regulated air pollutant, and
 - 2.1.1.2 1,000 pounds per year of a hazardous air pollutant.
 - 2.1.2 Stationary sources that operate only one of the affected facilities listed in Appendix A to Regulation 1.02.
- 2.2 Exempt stationary sources shall:
 - 2.2.1 Comply with the requirements of the District's regulations and the Clean Air Act; and

- 2.2.2 Allow authorized representatives of the District to enter the premises during all hours of operation, normal office hours, and during emergencies to:
 - 2.2.2.1 Access and copy any records required by the District's regulations;
 - 2.2.2.2 Inspect any facility, equipment (including air pollution control equipment), practice or operation; and
 - 2.2.2.3 Sample or monitor substances or parameters to determine compliance with applicable requirements.
- 2.3 Stationary sources previously permitted by the District. The District shall identify eligible exempt stationary sources and notify them in writing that the source is exempt and not subject to the registration requirements in this regulation or permit requirements in Regulation 2.03.
- 2.4 New stationary sources.
 - 2.4.1 Permits authorizing construction or operation under Regulation 2.03 are not required for new stationary sources that comply with this regulation.
- 2.5 An owner or operator may request a determination in writing from the District that a stationary source is exempt.
 - 2.5.1 The request for a determination shall be subject to a filing fee.

SECTION 3 Temporary Exemptions

- 3.1 The District may exempt the temporary construction, modification, or operation of an affected facility from the requirements to obtain a permit for a period of up to 180 days.
- 3.2 To obtain a temporary exemption, a source shall:
 - 3.2.1 Submit a written application for a temporary exemption to the District that includes:
 - 3.2.1.1 A detailed description of the proposed temporary activity,
 - 3.2.1.2 The time period over which the activity will occur, and
 - 3.2.1.3 Any changes in air emissions and ambient air impact expected to result from the temporary activity;
 - 3.2.2 Pay a filing fee, and
 - 3.2.3 Comply with section 2.2 of this regulation.
- 3.3 The District may require the source to conduct performance tests during the period of the temporary activity.

SECTION 4 Registered Stationary Sources

- 4.1 The following stationary sources are eligible for registration:
 - 4.1.1 Stationary sources that are subject to an applicable requirement in 40 CFR Parts 60, 61 or 63 and have an uncontrolled potential to emit less than:
 - 4.1.1.1 5 tons per year of a regulated air pollutant, and
 - 4.1.1.2 1,000 pounds per year of a hazardous air pollutant.
 - 4.1.2 A stationary source that, with no controls, cannot exceed an applicable performance

- standard or the Clean Air Act.
- 4.1.3 A stationary source that accepts a limit of 5 tons per year of a regulated air pollutant and 1,000 pounds per year of a hazardous air pollutant.
 - 4.1.4 A stationary source that accepts a limit of 5 tons per year of a regulated air pollutant and operates a surface coating process in accordance with Section 5.
 - 4.2 Existing permitted sources.
 - 4.2.1 A permitted stationary source that qualifies for registration may become a registered source by submitting an application on Form AP-500A to the District and paying all applicable fees. A registration shall become effective 60 days after submission of an application to the District, unless the District notifies the source that:
 - 4.2.1.1 An earlier date has been approved;
 - 4.2.1.2 Neither a permit nor a registration is required for the activity; or
 - 4.2.1.3 The registration is denied and the source shall remain subject to the permitting requirements of Regulation 2.03, 2.16, or 2.17.
 - 4.2.2 On the effective date of a registration, all previous construction or operating permits issued to that source are void.
 - 4.3 New sources.
 - 4.3.1 A filing fee shall be submitted to the District prior to commencing construction on a new or modified registered stationary source. A source may commence construction 15 days after submitting the registration form and fee unless the District notifies the source that:
 - 4.3.1.1 An earlier construction date has been approved;
 - 4.3.1.2 Neither a permit nor a registration is required for the activity; or
 - 4.3.1.3 The source is required to apply for a permit under Regulation 2.03 or cease operation.
 - 4.4 Registered stationary sources shall:
 - 4.4.1 Comply with the requirements of the District's regulations and the Clean Air Act; and
 - 4.4.2 Allow authorized representatives of the District to enter the premises during all hours of operation, normal office hours, and during an emergency to:
 - 4.4.2.1 Access and copy any records required by the District's regulations,
 - 4.4.2.2 Inspect any facility, equipment (including air pollution control equipment), practice or operation, or
 - 4.4.2.3 Sample or monitor substances or parameters to determine compliance with applicable requirements.
 - 4.4.3 Maintain records sufficient to demonstrate compliance. These may include hours of operation, shifts, material purchase and use records, or production records. Records shall be maintained on site for 5 years from the date of use and made available on request for inspection by the District or U.S. EPA.
 - 4.4.4 Pay an annual registration fee and complete a certification of registration on Form

- AP-500B each year following the issuance of an initial registration.
- 4.5 Authorization to operate may be withdrawn in accordance with Regulation 2.09 for failure to pay any fees or complete the registration certification as required.
- 4.5.1 This, and any other certifications required in this regulation, shall state that:
 "Based on information and belief formed after reasonable inquiry, I certify that the statements and information in this document are true, accurate, and complete."

SECTION 5 Standards and Recordkeeping for Certain Surface Coating Processes

This section applies to surface coating processes located at exempt or registered stationary sources that do not emit more than 5 tons of volatile organic compounds in any 12-month rolling period and operate a surface coating process that would otherwise be subject to Regulations 6.09, 6.24, 6.31, 6.44, 7.08, 7.25, 7.59, or 7.79.

- 5.1 Compliance with this regulation shall be deemed compliance with Regulations 6.09, 6.24, 6.31, 7.08, 7.25, or 7.59.
- 5.2 Compliance with this regulation shall also be deemed compliance with Regulations 6.44 and 7.79 for affected stationary sources that comply with Sections 5 and 6 of those regulations.
- 5.3 Standards.
- 5.3.1 To operate pursuant to this section, a stationary source shall:
- 5.3.1.1 Not emit more than 5 tons of VOC in any 12-month rolling period.
- 5.3.1.1.1 Demonstrate compliance by not using more than 1,250 gallons of VOC containing materials in any 12-month rolling period; or
- 5.3.1.1.2 Calculate VOC emissions based on actual uncontrolled usage of VOC containing materials and VOC content of the materials as follows:

$$\frac{(\text{Gallons used}) \times \left(\text{VOC content} \left(\frac{\text{lb}}{\text{gal}} \right) \right)}{2,000 \frac{\text{lb}}{\text{ton}}} = \text{VOC emissions (tons)}$$

- 5.3.1.1.3 Calculate VOC emissions based on actual controlled usage of VOC containing materials and VOC content of the materials as follows:

$$\frac{(\text{Gallons used}) \times \left(\text{VOC content} \left(\frac{\text{lb}}{\text{gal}} \right) \right) \times \left(1 - \left(\frac{\% \text{control efficiency}}{100} \right) \right)}{2,000 \frac{\text{lb}}{\text{ton}}} = \text{VOC emissions (tons)}$$

- 5.3.2 A stationary source shall not discharge any gas that contains particulate matter that is equal to or greater than 20% opacity.
- 5.4 Recordkeeping.
- 5.4.1 Stationary sources shall maintain records, such as Material Safety Data Sheets

- (MSDS), showing the type and amount of VOC containing materials used or purchased each month.
- 5.4.2 Records shall be maintained on site for 5 years from the date of use and made available on request for inspection by the District or U.S. EPA.

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